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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8508 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes.

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2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge?

No.

GUJARAT FILAMENTS LTD

Versus

MAKRANI NOOR HUSSAIN MOHMD HUSSAIN

Appearance:

MR BG JANI for Petitioner

MR YV SHAH for Respondent No. 1

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 03/08/98

### ORAL JUDGEMENT

Rule. Mr. Shah waives service of notice of

Rule.

This petition was heard at length. Both the sides have now arrived at a settlement. Learned advocate for the petitioner after taking instructions from the Secretary of the petitioner company who is present in the court states that the petitioner company is ready and willing to reinstate the respondent on the same scale which he was drawing at the time of his termination and reinstate him as a labourer in view of the fact that no post of driver is available at Halol. He further states that the petitioner company will be giving continuity of service and other benefits to the respondent workman, except the benefit of back wages. The benefit of back wages is to be given to the workman by giving him 25 percent back wages from the date of termination till the date of reinstatement. Learned advocate for the petitioner states that respondent workman should resume his duties from 4.8.1998 and the petitioner company will reinstate him from 4.8.98. He further states that the petitioner company should give an undertaking to this court that the petitioner company would not transfer said workman-respondent from Halol during two years from today. He further states that as regards the payment of back wages of 25 percent, the same would be paid within six weeks from today. The learned advocate for the respondent-workman after taking instructions from the respondent who is present in the court states that the workman is ready and willing to accept said reinstatement with all the above statements and conditions mentioned by the learned advocate for the petitioner.

2. Therefore, in view of the agreement between the parties I hereby set aside the award passed by the Labour Court in Reference No.483 of 1993 and in its place I substitute the following award.

" The petitioner company is to reinstate the respondent Makrani Noor Hussain Mohmad Hussain as a worker at their industry/factory at Halol on 4.8.98. The petitioner has to give to the respondent workman 25 percent back wages from the date of termination till the date of reinstatement of 4.8.98. The petitioner company is to give continuity of service and other benefits available to the respondent. The petitioner company should not transfer the respondent workman from Halol for a period of two years from the date of reinstatement.

Arrears of back wages which are to be paid at 25 percent should be paid within six weeks from

today. In case if the petitioner fails to pay said back wages within six weeks from today then the petitioner will have to pay 18 percent interest on the wages which were drawn earlier from the date of the the award passed by the Labour Court i.e. 16.6.97 till payment. Both the parties to bear their respective costs."

The respondent is permitted to withdraw Rs.2500/deposited towards his costs.

The petition thus stands disposed of with no order as to costs.

(S.D.Pandit.J)